

A REGULAR MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS WAS HELD MARCH 15, 2004 AT 1:00 P.M. IN WARRENTON, VIRGINIA

P R E S E N T Mr. Harry F. Atherton, Chairman; Mr. Raymond E. Graham, Vice-Chairman; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling; Mr. G. Robert Lee, County Administrator; Mr. Paul S. McCulla, County Attorney

AGENDA REVIEW

The Board of Supervisors reviewed the agenda.

A PROPOSAL TO BUILD TWO SMALLER HIGH SCHOOLS RATHER THAN ONE LARGE HIGH SCHOOL TO ACCOMMODATE INCREASED STUDENT CAPACITY

Lynn Hopewell and Larry Czarda, representing Fauquier Institute, presented a proposal to build two smaller high schools rather than one large high school to accommodate increased student capacity.

REVIEW OF COUNTY TOURISM PROGRAM

Talmage Reeves, Director of Economic Development, and Leslie Van Sant, Chair of the Tourism Advisory Committee, reviewed the County Tourism Program.

UPDATES ON PUBLIC SAFETY RADIO SYSTEM AND WARREN GREEN BUILDING CONSTRUCTION

Mr. Graham postponed an update on the Public Safety Radio System and Warren Green Building construction until the next regular Board of Supervisors' meeting on April 19, 2004.

FISCAL YEAR 2005 BUDGET DISCUSSION

The Board of Supervisors discussed the proposed FY 2005 Budget.

JOINT BUDGET WORK SESSION WITH SCHOOL BOARD

The Board of Supervisors held a joint Budget Work Session with School Board members Broni Lambelet, Robert L. Sinclair, Jay Van Gelder, Sally Murray, Ernest L. Gray, Jr., and School Superintendent David Martin.

The meeting was reconvened in Regular Session at 6:30 p.m. at the Warrenton Community Center.

ADOPTION OF THE AGENDA

Mr. Graham moved to adopt the agenda. Mr. Downey seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

CITIZENS' TIME

No one spoke.

PROCLAMATIONS AND RECOGNITIONS

- Mr. Graham presented A Proclamation to Recognize Janet N. Shannon Upon the Occasion of Her Retirement from the Fauquier County Department of Social Services.
- Mr. Atherton presented A Proclamation to Commend Harvey L. Pearson for His Dedication and Service to the Fauquier County Armory Advisory Board.
- Mr. Atherton presented A Proclamation to Commend Willis Risdon for His Dedication and Service to the Fauquier County Armory Advisory Board.
- Mr. Atherton presented A Proclamation to Commend Fred Wayland for His Dedication and Service to the Fauquier County Armory Advisory Board.
- Mr. Atherton presented A Proclamation to Commend Mitchel Coffey for His Dedication and Service to the Fauquier County Armory Advisory Board.
- Mr. Atherton presented to SSG Andrew Benoit A Proclamation to Recognize Members of the Third Battalion, 116th Infantry Division of the Virginia National Guard.

CONSENT AGENDA

Mr. Graham moved to adopt the following consent agenda items. Mr. Downey seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

Approval of the Minutes for the February 17, 2004 Regular Meeting and March 8, 2004 Adjourned Meeting of the Fauquier County Board of Supervisors

A Resolution to Amend the Contract with Campbell and Paris Engineers in the Amount of \$361,042.21 for Construction Management Services Associated with the Runway 14-32, Schedule II Project at the Warrenton-Fauquier Airport

RESOLUTION

A RESOLUTION TO AMEND THE CONTRACT WITH CAMPBELL AND PARIS ENGINEERS IN THE AMOUNT OF \$361,042.21 FOR CONSTRUCTION MANAGEMENT SERVICES ASSOCIATED WITH THE RUNWAY 14-32, SCHEDULE II PROJECT AT THE WARRENTON-FAUQUIER AIRPORT

WHEREAS, the Virginia Department of Aviation and the Federal Aviation Administration have tentatively awarded grants to Fauquier County for the further development of the Warrenton-Fauquier Airport; and

WHEREAS, the Fauquier County Airport Committee has reviewed projects to continue with the Runway 14-32, Schedule II improvements at the Airport; and

WHEREAS, Fauquier County has a contract with Campbell and Paris Engineers for engineering and design services at the Airport; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of March 2004, That the County Administrator, or his designee, be, and is hereby, authorized to execute a contract amendment in the amount of \$361,042.21 for construction management services associated with the Runway 14-32, Schedule II improvements at the Warrenton-Fauquier Airport; and, be it

RESOLVED FURTHER, That the County Administrator, or his designee, be, and is hereby, authorized to execute related additional grant agreements to support improvement projects at the Warrenton-Fauquier Airport.

A Resolution to Direct the County Administrator to Institute the Procedure to Abandon a Portion of Mosby Street

RESOLUTION

A RESOLUTION TO DIRECT THE COUNTY ADMINISTRATOR TO INSTITUTE THE
PROCEDURE TO ABANDON A PORTION OF MOSBY STREET

WHEREAS, by Plat of Survey dated August 31, 1946, and recorded in Deed Book 160 at page 143A among the Fauquier County land records, Mosby Street was dedicated to public use; and

WHEREAS, a portion of Mosby Street was never improved and used as a street; and

WHEREAS, the subject portion of Mosby Street was never taken into the State Secondary System of roads; and

WHEREAS, the adjoining property owners have access to public streets without using the portion proposed to be abandoned; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of March 2004, That the County Administrator be, and is hereby, directed to implement the procedure under Code of Virginia § 33.1-156 et seq. to abandon a portion of Mosby Street.

A Resolution Authorizing the Creation of a Full-Time GIS Technician for E911 Addressing Within the Geographic Information Systems (GIS) Office

RESOLUTION

A RESOLUTION AUTHORIZING THE CREATION OF A FULL-TIME GIS TECHNICIAN
FOR E911 ADDRESSING WITHIN THE
GEOGRAPHIC INFORMATION SYSTEMS (GIS) OFFICE

WHEREAS, requests for new street address assignments and new street creation and naming have steadily increased due to the large volume of land development applications; and

WHEREAS, the GIS Office has requested a full-time GIS Technician for E911 to handle the increase in work requirements and perform additional administrative functions of the E911 street addressing process due to the relocation of Planning personnel; and

WHEREAS, the need for a full-time GIS Technician has been identified by the Department of Fire and Emergency Services, the Department of Community Development and County Administration; and

WHEREAS, the creation of this position was endorsed through the Personnel Committee on February 17, 2004, the Finance Committee on February 19, 2004, and the Public Safety Committee on February 25, 2004; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of March 2004, That the position of full-time GIS Technician be, and is hereby, created effective March 15, 2004.

A Resolution Approving Travel Expenses in Accordance with Travel Policy and Procedures

RESOLUTION

A RESOLUTION APPROVING TRAVEL EXPENSES IN ACCORDANCE WITH TRAVEL
POLICY AND PROCEDURES

WHEREAS, the Fauquier County Board of Supervisors has adopted Travel Policy and Procedures which require approval of expenditures in excess of \$1,000; and

WHEREAS, Fauquier County recognizes the on-going value of supporting the professional development of its staff; and

WHEREAS, the training offered by the Government Finance Officers Association is the most advantageous for local government finance practitioners, and the annual conference provides the most comprehensive selection of sessions available in the profession; and

WHEREAS, Fauquier County adopted its Fiscal Year 2004 budget, in which funds were appropriated for staff to participate in the Government Finance Officers Association Annual Conference; and

WHEREAS, the Finance Director is requesting approval to attend this conference; and

WHEREAS, the conference will be held June 12 - 16, 2004, in Milwaukee, Wisconsin and the cost is estimated to be \$1,500; and

WHEREAS, the County will be the beneficiary of the training and development in such areas as accounting, auditing, and financial reporting, debt management, performance and benefits management, and technology and the digital government; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of March 2004, That approval be, and is hereby, granted for staff designated herein to attend the Government Finance Officers Association Annual Conference, and to subsequently be reimbursed for travel expenditures associated with this attendance.

Consider Fauquier Woods Subdivision: Preliminary Subdivision Plat PP03-M-21, Marshall District

No action was taken.

A Resolution to Initiate a Text Amendment to Eliminate a Minimum Lot Size Requirement for a “Livestock Exchange”

RESOLUTION

A RESOLUTION TO INITIATE A TEXT AMENDMENT TO ELIMINATE A MINIMUM LOT SIZE REQUIREMENT FOR A “LIVESTOCK EXCHANGE”

WHEREAS, the Fauquier County Board of Supervisors seeks to provide the existing Livestock Exchange in Marshall with flexibility to sell a portion of its property; and

WHEREAS, the existing Zoning Ordinance regulations in Section 5-1503.1 require a minimum of 25 acres for a Livestock Exchange; and

WHEREAS, the existing Livestock Exchange is located on less than 25 acres, with portions of the site under-utilized or not used, and with minimal impact on adjoining properties; and

WHEREAS, the Livestock Exchange in Marshall cannot sell a portion of its property because of the minimum lot size requirement; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of March 2004, That the proposed Ordinance amending Section 5-1503.1 to delete the requirement for a 25 acre minimum lot area for a livestock exchange be, and is hereby, referred to the Fauquier County Planning Commission for appropriate consideration and action.

A RESOLUTION TO ADOPT THE POLICY FOR IMPLEMENTATION OF THE PUBLIC-PRIVATE EDUCATION FACILITIES AND INFRASTRUCTURE ACT OF 2002

Mr. Downey moved to adopt the following resolution. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling
Nays: None
Absent During Vote: None
Abstention: None

RESOLUTION

A RESOLUTION TO ADOPT THE POLICY FOR IMPLEMENTATION OF THE PUBLIC-PRIVATE EDUCATION FACILITIES AND INFRASTRUCTURE ACT OF 2002

WHEREAS, the State of Virginia General Assembly enacted Title 56, Chapter 22.1 of the Code of Virginia, the Public-Private Education Facilities and Infrastructure Act of 2002; and

WHEREAS, in doing so, the General Assembly recognized the need to provide alternatives in the procurement of public infrastructure and government facilities within the Commonwealth that serve a public need and purpose; and

WHEREAS, the Act requires the local government to adopt implementing procedures before it can consider proposals under the Act; and

WHEREAS, the School Board and the Board of Supervisors recognize proposals submitted in accordance with the Act may offer innovative proposals, enhanced delivery, and cost effective alternatives; and

WHEREAS, on March 8, 2004, the School Board adopted the Policy for Implementation of the Public-Private Education Facilities and Infrastructure Act of 2002; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of March 2004, That the Policy for Implementation of the Public-Private Education Facilities and Infrastructure Act of 2002 be, and is hereby, adopted, and effective immediately.

A RESOLUTION APPROVING THE FILING OF AN APPLICATION WITH THE VIRGINIA RESOURCES AUTHORITY IN AN AMOUNT NOT TO EXCEED \$2,000,000

Mr. Robison moved to adopt the following resolution. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling
Nays: None
Absent During Vote: None
Abstention: None

A RESOLUTION APPROVING THE FILING OF AN
APPLICATION WITH THE VIRGINIA RESOURCES
AUTHORITY FOR A LOAN IN AN APPROXIMATE
PRINCIPAL AMOUNT OF \$2,000,000

WHEREAS, the Board of Supervisors (the "Board") of Fauquier County, Virginia (the "County"), has determined that it is necessary and desirable for the County to finance certain capital improvements for the volunteer fire and rescue facilities, including without limitation the expansion and renovation of the Warrenton Fire Company facility (the "Project");

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF FAUQUIER COUNTY, VIRGINIA:

1. The Board hereby approves the filing of an application with the Virginia Resource Authority for a loan to the County in an approximate principal amount of \$2,000,000 to finance the Project. The County Administrator, in collaboration with the other officers of the County, is hereby authorized and directed to complete an application and deliver it to the Virginia Resources Authority.

2. This resolution shall take effect immediately.

The undersigned Clerk of the Board of Supervisors of Fauquier County, Virginia, certifies that the foregoing constitutes a true and correct extract from the minutes of a regular meeting of the Board held on the 15th day of March, 2004, and of the whole thereof so far as applicable to the matters referred to in such extract.

WITNESS my signature and the seal of the Board of Supervisors of Fauquier County, Virginia, this 15th day of March, 2004.

G. Robert Lee
Clerk of the Board of Supervisors, Fauquier
County, Virginia

**A RESOLUTION OF OFFICIAL INTENT TO REIMBURSE EXPENDITURES WITH
PROCEEDS OF A BORROWING OF \$2,000,000**

Mr. Robison moved to adopt the following resolution. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling
Nays: None
Absent During Vote: None
Abstention: None

RESOLUTION OF OFFICIAL INTENT TO REIMBURSE
EXPENDITURES WITH PROCEEDS OF A BORROWING

WHEREAS, Fauquier County, Virginia (the "Borrower"), intends to undertake various capital improvements for or on behalf of its volunteer fire department located in Fauquier County, including without limitation the expansion and renovation of the Warrenton Fire Company facility (the "Project"); and

WHEREAS, plans for the Project have advanced and the Borrower expects to advance its own funds to pay expenditures related to the Project (the "Expenditures") prior to incurring indebtedness and to receive reimbursement for such Expenditures from proceeds of tax-exempt bonds or taxable debt, or both;

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF FAUQUIER COUNTY, VIRGINIA:

1. The Borrower intends to utilize the proceeds of tax-exempt bonds (the "Bonds") or to incur other debt, in an amount not currently expected to exceed \$2,000,000 to pay the costs of the Project.

2. The Borrower intends that the proceeds of the Bonds be used to reimburse the Borrower for Expenditures with respect to the Project made on or after January 15th, 2004, which date is no more than 60 days prior to the date hereof. The Borrower reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds or other debt.

3. Each Expenditure was or will be, unless otherwise approved by bond counsel, either (a) of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the date of the Expenditure), (b) a cost of issuance with respect to the Bonds, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the Borrower so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the Borrower.

4. The Borrower intends to make a reimbursement allocation, which is a written allocation by the Borrower that evidences the Borrower's use of proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The Borrower recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain de minimis amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction of at least five years.

5. The Borrower intends that the adoption of this resolution confirms the "official intent" within the meaning of Treasury Regulations Section 1.150-2 promulgated under the Internal Revenue Code of 1986, as amended.

6. This resolution shall take effect immediately upon its passage.

Adopted March 15th, 2004.

A RESOLUTION APPROVING WAVR04-MA-026: WAIVER OF ZONING ORDINANCE SECTION 7-302.1.C TO ALLOW A REDUCTION IN RIGHT-OF-WAY WIDTH, MARSHALL DISTRICT

Mr. Atherton moved to adopt the following resolution. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling
Nays: None
Absent During Vote: None
Abstention: None

RESOLUTION

A RESOLUTION APPROVING WAVR04-MA-026: WAIVER OF ZONING ORDINANCE SECTION 7-302.1.C TO ALLOW A REDUCTION IN RIGHT-OF-WAY WIDTH

WHEREAS, Robert H. Estep, owner/applicant has filed a request for a Waiver of Zoning Ordinance Section 7-302.1.C to Allow a Private Street that is twenty (20) feet in width, instead of the required minimum of fifty (50) feet; and

WHEREAS, on February 19, 2004, the Planning Commission held a public meeting and has made a recommendation to the Board of Supervisors; and

WHEREAS, the Board of Supervisors has considered the written and orally presented information of the applicants; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of March 2004, That WAVR04-MA-026, Zoning Ordinance Waiver, be, and is hereby, approved subject to the following conditions:

1. This Waiver is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Waiver is granted only for the purpose(s), structure(s), and/or uses indicated on the Waiver Plat approved with the application, as qualified by these development conditions.
3. An Easement Plat depicting the new width, approved by the Fauquier County Chief of Planning, shall be recorded within two (2) years of the approval of this waiver. If an Easement Plat is not recorded within this time frame, the waiver will become null and void.
4. The Easement shall have a minimum width of twenty (20) feet and shall encompass the existing entrance.

A RESOLUTION DENYING THE PELHAM VILLAGE APPLICATIONS: CPA03-L-07 COMPREHENSIVE PLAN AMENDMENT, RZ03-L-10 REZONING, AND SPEX04-LE-001 SPECIAL EXCEPTION FOR A FLOODPLAIN CROSSING

Mr. Stribling moved to adopt the following resolution. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

Ayes: *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

RESOLUTION

A RESOLUTION DENYING THE PELHAM VILLAGE APPLICATIONS: CPA03-L-07 COMPREHENSIVE PLAN AMENDMENT, RZ03-L-10 REZONING, SPEX04- LE-001 SPECIAL EXCEPTION FOR A FLOODPLAIN CROSSING

WHEREAS, D.C. Diamond Corporation, the applicant, has applied to Fauquier County for a Comprehensive Plan Amendment, a Special Exception and a Rezoning to create a subdivision known as Pelham Village between the Bealeton and Remington Service Districts; and

WHEREAS, in the months of August, September, October and November 2003, the Fauquier County Planning Commission held an extended Public Hearing on these applications; and

WHEREAS, the Planning Commission reviewed the remanded and unchanged application pursuant to the Board of Supervisors' request, and maintained its recommendation of denial based on the following reasons:

1. The proposal for a Comprehensive Plan Amendment fails the tests established by the Zoning Ordinance.
2. The Concept Development Plan proposed could not be implemented under the existing Zoning and Stormwater Management Ordinances. No refinements were made to address the substantive issues raised in the August 26, 2003 staff report, which also identified remedies.
3. The proposal is not consistent with the Bealeton and Remington Comprehensive Plans.
4. The proposal would seriously jeopardize realization of the Bealeton and Remington Comprehensive Plans, most notably the Route 17 / Route 29 Spur Road and Bealeton Town Center, if it were constructed; and

WHEREAS, on December 15, 2003, the Fauquier County Board of Supervisors held a public hearing and on March 15, 2004, reconsidered the application, and concurred with the judgment of the Planning Commission; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of March 2004, That the Pelham Village Comprehensive Plan Amendment (CPA03-L-07) be, and is hereby, denied; and, be it

RESOLVED FURTHER, That the Pelham Village Rezoning (RZ03-L-10) request be, and is hereby, denied; and, be it

RESOLVED FINALLY, That the Pelham Village Flood Plain Crossing and Land Disturbance Special Exception (SPEX04-LE-001) be, and is hereby, denied.

A RESOLUTION TO SUPPORT THE RETENTION AND REUSE OF 62 AND 70 CULPEPER STREET BUILDINGS

Mr. Robison moved to adopt the following resolution. Mr. Downey seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION

A RESOLUTION TO SUPPORT THE RETENTION AND REUSE OF 62 AND 70 CULPEPER STREET BUILDINGS

WHEREAS, the Facilities Planning and Implementation Committee has reviewed the plans to improve the 62 and 70 Culpeper Street buildings; and

WHEREAS, there are both short and long-term advantages to maintaining ownership of these properties and utilizing space in conjunction with the planned renovations to the Courthouse and for offices now housed in leased facilities as described in the agenda request; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of March 2004, That Fauquier County staff be, and are hereby, authorized to proceed with improvements; and, be it

RESOLVED FURTHER, That the issue of funding the improvements be referred to the Finance Committee, and that these plans be discussed with representatives of the Town of Warrenton.

A RESOLUTION TO DIRECT THE COUNTY ADMINISTRATOR TO SCHEDULE A PUBLIC HEARING TO RECEIVE CITIZEN COMMENTS ON AMENDING SECTION 7-2 OF THE COUNTY CODE RELATING TO POLLING PLACE LOCATIONS

Mr. Atherton moved to adopt the following resolution. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling
Nays: None
Absent During Vote: None
Abstention: None

RESOLUTION

A RESOLUTION TO DIRECT THE COUNTY ADMINISTRATOR TO SCHEDULE A PUBLIC HEARING TO RECEIVE CITIZEN COMMENTS ON AMENDING SECTION 7-2 OF THE COUNTY CODE RELATING TO POLLING PLACE LOCATIONS

WHEREAS, on July 16, 2001, the Fauquier County Board of Supervisors adopted an Ordinance establishing Magisterial districts, precincts and polling places; and

WHEREAS, the Ordinance adopted on July 16, 2001, amended and readopted Section 7 of the County Code for Fauquier County, for the purpose of establishing a voting place for each precinct; and

WHEREAS, experience gained in conducting elections at the Lois precinct, Marshall precinct and Courthouse precinct has led the County Electoral Board to request changes in the location of these three voting precincts; and

WHEREAS, the Board of Supervisors has determined that polling locations should offer better accessibility for voters and resources for officers of election to better administer the election process and to generally foster a more positive voting experience to enhance voter turnout; and

WHEREAS, the Board of Supervisors desires to change the locations for precincts by amending Section 7-2 of the County Code; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of March 2004, That the County Administrator be, and is hereby, directed to schedule a public hearing to receive citizen comments on amending Section 7-2 of the County Code relating to polling place locations.

APPOINTMENTS

By unanimous consent, the following appointments were made:

- Airport Committee – Lee District; Perry Benshoof appointed with a term to expire December 31, 2007.
- Industrial Development Authority – Cedar Run District; Gary Cordova reappointed with a term to expire March 15, 2007.
- Industrial Development Authority – Citizen at Large; David DeGive reappointed with a term to expire March 15, 2007.

- Water and Sanitation Authority – Marshall District; James R. Green reappointed with a term to expire April 1, 2008.
- Warrenton Service District Citizen Advisory Committee: John Albertella, Paul Bernard, John Duemmel, Tom Harris, Larry Kovalik, Bill Nace, Terry Nyhous, Adrienne Stone, Dawn Arruda, Rhonda Cox, Christine Fox, Walter Hitchcock, Mary Morran, Aron Newby, Mara Seaforest, Birge Watkins (appointment for a short-term assignment of 3-4 months).

SUPERVISORS' TIME

No one spoke.

ANNOUNCEMENTS

- Mr. Lee announced that the Board would next meet in a work session on March 18, 2004, at 7:00 p.m. in the Court and Office Building, 40 Culpeper Street, Warrenton.

RIGHT-OF-WAY ABANDONMENT

A public hearing was held to consider abandoning a portion of right-of-way for an unimproved section of Cedar Run Drive near Frytown Road in the Center Magisterial District. Elizabeth A. Cook of Community Development provided a staff report. Bill Nace, Ed Cubert, Diane Cubert, John Cox, Greg Sherman, Bill Zimmer, and Paul Root of Center District spoke in favor of the right-of-way abandonment. No one else spoke. The public hearing was closed. Mr. Atherton moved to adopt the following resolution. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION

A RESOLUTION DIRECTING THE COUNTY ADMINISTRATOR TO INSTITUTE THE ROAD ABANDONMENT PROCESS FOR A PORTION OF CEDAR RUN DRIVE

WHEREAS, upon recordation of the Phase Two, Millwood Subdivision Plat, a temporary turnaround easement and land for the extension of Cedar Run Drive to Virginia Route 678 was dedicated for public use; and

WHEREAS, the Board of Supervisors of Fauquier County adopted a resolution directing the County Administrator to take the necessary actions to obtain a permanent cul-de-sac and to institute the road abandonment process for the portion of Cedar Run Drive, which is not currently in the State Secondary System of Highways; and

WHEREAS, the Fauquier County Transportation Committee has considered the request to abandon the right-of-way for the future extension of Cedar Run Drive, and has requested that the Board of Supervisors consider withdrawing the authorization that the County Administrator institute the road abandonment process; and

WHEREAS, Virginia Code Title 33.1, Chapter 1, Article 12, Sections 33.1-156 *et seq.* set forth a procedure by which roads not in the State Secondary System of Highways may be abandoned; and

WHEREAS, on March 15, 2004, the Board of Supervisors of Fauquier County held a public hearing and received citizen comment on the proposed abandonment of the portion of Cedar Run Drive not in the State Secondary System of Highways; and

WHEREAS, the Board of Supervisors wishes to institute the abandonment process for the aforesaid portion of road and to obtain a permanent turnaround (cul-de-sac) easement; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of March 2004, That the County Administrator be, and is hereby, directed to institute the road abandonment process for that portion of Cedar Run Drive not in the State Secondary System of Highways and to take all steps necessary to obtain a permanent cul-de-sac easement.

PROPOSED ORDINANCE AMENDING SECTION 13-51 OF THE CODE OF FAUQUIER COUNTY TO ADD SUBSECTION (4) PROVIDING FOR A FIFTY PERCENT REDUCTION IN COUNTY LICENSING FEES FOR MOTOR VEHICLES FOR PERSONS SIXTY-FIVE YEARS OF AGE OR OLDER

A public hearing was held to consider a proposed Ordinance amending Fauquier County Code Section 13-51 to provide for a fifty percent reduction in the license fee on one vehicle owned or leased by a person who is sixty-five years or older. Paul S. McCulla, County Attorney, summarized the proposed amendment. No one spoke. The public hearing was closed. Mr. Graham moved to adopt the following Ordinance. Mr. Atherton seconded, and the vote for the motion was 4 to 1 as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>Mr. William G. Downey</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

ORDINANCE

AN ORDINANCE AMENDING SECTION 13-51 OF THE CODE OF FAUQUIER COUNTY TO ADD SUBSECTION (4) PROVIDING FOR A FIFTY PERCENT REDUCTION IN COUNTY LICENSING FEES FOR MOTOR VEHICLES FOR PERSONS SIXTY-FIVE YEARS OF AGE OR OLDER

WHEREAS, pursuant to Section 13-51 of the Code of Fauquier County a license fee on automobiles and trucks is levied; and

WHEREAS, Virginia Code Section 46.2-752.A permits localities to provide a fifty percent reduction in the license fee for one vehicle owned or leased by a person who is sixty-five years of age or older; and

WHEREAS, after due notice and hearing, the Board of Supervisors, by the adoption of this Ordinance, has determined that it is in the best interests and welfare of its citizens to amend Fauquier County Code Section 13-51 to provide for a fifty percent reduction in the license fee on one vehicle owned or leased by a person who is sixty-five years of age or older; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 15th day of March 2004, That Fauquier County Code Section 13-51 be, and is hereby, amended to read as follows:

Section 13-51. License required; license fee imposed.

The County hereby levies and assesses a license fee on automobiles and trucks, except:

- (1) Vehicles used by a dealer or manufacturer for sales purposes;
- (2) Vehicles are used as common carriers of persons or property operated between cities or towns in this state, and not in intra-city transportation, or between cities or towns on the one hand and points and places outside the cities and towns on the other and not in intra-city transportation.
- (3) Vehicles used by an active member of Volunteer Fire and Rescue companies of the County or an active member of the Sheriff's Auxiliary Deputy Program, provided, however, that active members of any Volunteer Fire and Rescue Companies shall provide to the Treasurer at the time of application for issuance of the license a written certification by the Chief of the volunteer company that said applicant is an active member, and is a member whose name appears in the book of "Volunteer Fire Fighters" kept by the Clerk of the Circuit Court, and provided further that any auxiliary deputy shall provide a certificate from the Sheriff stating that the auxiliary deputy is an active volunteer in the Sheriff's Auxiliary Deputy Program. No applicant shall be issued more than one (1) such license free of charge.
- (4) Vehicles owned or leased by a person who is sixty-five years of age or older shall be entitled to a fifty percent reduction in the license fee assessed on that vehicle, provided that no such discount shall be available for more than one vehicle owned or leased by the same person.

Licenses are required for every motor vehicle, including, but not limited to, automobiles and trucks, regularly parked, garaged or stored in the County. Purchasers of new or used automobiles shall have ten (10) days from the date of purchase to pay the required license fee.

PROPOSED TEXT AMENDMENT TO THE ZONING ORDINANCE

A public hearing was held to consider a text amendment to the Fauquier County Zoning Ordinance to delete 3-312.8 and 3-312.9, eliminating 'Building Material Sales' as separate uses. Kimberley Johnson, Zoning Administrator, summarized the proposed text amendment. No one else spoke. The public hearing was closed. Mr. Atherton moved to adopt the following Ordinance. Mr. Downey seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

ORDINANCE

ZONING ORDINANCE TEXT AMENDMENT TO ELIMINATE BUILDING MATERIAL SALES AS A USE

WHEREAS, the Fauquier County Zoning Ordinance currently lists "building material sales less than one acre (lot area)" and "building material sales more than one acre (lot area)" as specific uses under Category 12, Commercial Retail uses; and

WHEREAS, the Ordinance does not contain a specific definition for "building material sales"; and

WHEREAS, on October 31, 2003, the Circuit Court, on appeal of a decision of the Board of Zoning Appeals, determined that a home improvement store is properly classified as "building material sales" under the existing language of the zoning ordinance; and

WHEREAS, the Fauquier County Planning Commission considered eliminating "building material sales less than one acre (lot area)" and "building material sales more than one acre (lot area)" uses from Section 3-312 (Commercial Retail) so that such uses would be reviewed consistent with the same standards and procedures as "retail sales establishments"; and

WHEREAS, on January 29, 2004, the Planning Commission held a public hearing; and

WHEREAS, on January 29, 2004, the Planning Commission voted to delete "building material sales less than one acre (lot area)" and "building material sales more than one acre (lot area)" as separate uses; and

WHEREAS, the adoption of this text amendment would be in the spirit of the Zoning Ordinance and is in the best interest of the citizens of Fauquier County; and

WHEREAS, on March 15, 2004, the Fauquier County Board of Supervisors held a public hearing on these amendments; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 15th day of March 2004, That Section 3-312 of the Fauquier County Zoning Ordinance be, and is hereby, amended as follows:

3-312 COMMERCIAL RETAIL (CATEGORY 12)																		
	Site Plan	RC	RA	RR2	V	R1	R2	R3	R4	TH	GA	MDP	C1	C2	C3	CV	I1	I2
1. Antique shops less than 3000 sq.ft.	X		SP	SP	SP								P	P	P	P		
2. Antique shops more than 3000 sq.ft.	X												SP	P	P	SP		
3. Retail sales establishment and shopping center less than 5000 sq.ft.	X												P	P	P	P		
4. Retail sales establishment and shopping center 4000 sq.ft. or greater but less than 75000 sq.ft.	X												SP	P	P	SP		
5. Retail sales establishment more than 75,000 sq.ft.	X													SE	SE			
6. Shopping Center less than 200,000 sq.ft.	X														P			
7. Shopping Center more than 200,000 sq.ft.	X														SE			
8. Building material sales less than one acre (lot area)	X												P	P	P	P	SP	
9. Building material sales more than one acre (lot area)	X												SP	P	SP	SP	SP	
10. 8. Convenience store	X												P	P	P	P	SP	
11. 9. Retail sales in conjunction with Category 16 or 17 uses		SE	SE											SP			SP	SP
12. 10. Fuel yard, retail	X													SP				SP

PROPOSED TEXT AMENDMENT TO THE ZONING ORDINANCE

A public hearing was held to consider a Zoning Ordinance text amendment to modify the Commercial Village/CV zoning district regulations in order to require special permit approval for convenience store and auto service station uses, with new standards for both uses. Kimberley Johnson, Zoning Administrator, summarized the proposed text amendment. No one else spoke. The public hearing was closed. Mr. Atherton moved to adopt the following Ordinance. Mr. Graham seconded, and the vote for the motion was 3 to 2 as follows:

Ayes: *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey*
Nays: *Mr. Richard W. Robison; Mr. Chester W. Stribling*
Abstention: *None*
Absent During Vote: *None*

ORDINANCE

ZONING ORDINANCE TEXT AMENDMENT TO MODIFY THE COMMERCIAL VILLAGE/CV ZONING DISTRICT REGULATIONS TO REQUIRE SPECIAL PERMIT APPROVAL FOR CONVENIENCE STORE AND AUTO SERVICE STATION USES

WHEREAS, the Fauquier County Zoning Ordinance currently allows “convenience stores” and “auto service stations” as specific uses in the Commercial Village zoning district with approval of a site plan; and

WHEREAS, this text amendment would require special permit approval in addition to site plan approval for both uses in the Commercial Village zoning district; and

WHEREAS, on February 19, 2004, the Fauquier County Planning Commission held a public hearing on the proposed text amendment; and

WHEREAS, the Planning Commission voted to recommend approval of the requirement for a special permit for “convenience stores” and “auto service stations” in the Commercial Village zoning district; and

WHEREAS, the adoption of this text amendment would be in the spirit of the Zoning Ordinance and is in the best interest of the citizens of Fauquier County; and

WHEREAS, on March 15, 2004, the Fauquier County Board of Supervisors held a public hearing on these amendments; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 15th day of March 2004, That Section 3-312.10 and Section 3-314.4 be, and are hereby, amended to require a special permit within the Commercial Village zoning district. The sections will be amended to read as follows:

3-312 COMMERCIAL RETAIL (CATEGORY 12)																		
	Site Plan	RC	RA	RR2	V	R1	R2	R3	R4	TH	GA	MDP	C1	C2	C3	CV	I1	I2
10. Convenience Store	X												P	P	P	SP P	SP	

3-314 MOTOR VEHICLE RELATED USES (CATEGORY 14)																		
	Site Plan	RC	RA	RR2	V	R1	R2	R3	R4	TH	GA	MDP	C1	C2	C3	CV	I1	I2
4. Auto Service Station	X												SP	P	SP	SP P	SP	

AGRICULTURAL AND FORESTAL - REVIEW OF PROPOSED ACQUISITION OF PROPERTY BY DOMINION TRANSMISSION INC., LEWIS J. & MARTHA M. BENDER, OWNERS, AND DOMINION TRANSMISSION, INC., CONTRACT OWNER AND APPLICANT

A public hearing was held to consider a proposed application of Dominion Transmission to acquire property within the Southern Fauquier Agricultural and Forestal District in order to construct a gas compressor station (portion of PIN# 7941-23-42000), in Cedar Run District. Kimberley Johnson, Zoning Administrator, summarized the application. Phil Sparks, on behalf of the applicant, requested favorable consideration of the application. Kitty Smith, Bob Sisk, Laura Kitchem, and Mimi Moore, of Marshall District, spoke in opposition to the application. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following resolution. Mr. Downey seconded, and the vote for the motion was 3 to 2 as follows:

Ayes: *Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Chester W. Stribling*

Nays: *Mr. Harry F. Atherton; Mr. Richard W. Robison*

Absent During Vote: *None*

Abstention: *None*

RESOLUTION

A RESOLUTION APPROVING DOMINION TRANSMISSION, INC.'S PROPOSED COMPRESSOR FACILITY IN THE SOUTHERN FAUQUIER AGRICULTURAL AND FORESTAL DISTRICT

WHEREAS, on November 4, 2003, Fauquier County received official notice of Dominion Transmission, Inc.'s (DTI) intention to acquire a 30.63-acre portion of the 282.5-acre property owned by Lewis J. and Martha M. Bender, which is located in the Southern Fauquier Agricultural and Forestal District; and

WHEREAS, the Code of Virginia, Section 15.2-4313, sets forth a specific procedure which must be followed by a public service corporation proposing to acquire more than one acre of land within an agricultural and forestal district and this procedure requires that notice be given to the County, and that the Board of Supervisors determine the following:

- (i) the effect the action would have upon the preservation and enhancement of agriculture and forestry and agricultural and forestal resources within the district and the policies set forth in the state code; and
- (ii) the necessity of the proposed action to provide service to the public in the most economical and practicable manner; and
- (iii) whether reasonable alternatives to the proposed action are available that would minimize or avoid any adverse impacts on agricultural and forestal resources within the district; and

WHEREAS, the Code of Virginia, Section 15.2-4313, further provides that this decision be made by the Board of Supervisors in consultation with the Agricultural and Forestal District Advisory Committee and the Planning Commission; and

WHEREAS, on November 5, 2003, the Agricultural and Forestal District Advisory Committee met to review the proposal and recommended that the Board extend the period of review to gather additional information and to accommodate a full review and public hearing for the proposal; and

WHEREAS, on November 20, 2003, the Planning Commission reviewed the proposal and recommended that the Board extend the period of review to accommodate a full review and public hearing for the proposal; and

WHEREAS, on December 15, 2003, the Fauquier County Board of Supervisors discussed the potential impacts of the proposed facility and determined that additional review was necessary in order to determine whether the proposal might have impacts upon the County's agricultural and forestal resources; and

WHEREAS, on March 15, 2004, the Fauquier County Board of Supervisors held a public hearing on the proposed facility; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of March 2004, That the facility is necessary to provide service to the public in the most economical and practical manner and the facility would have minimal adverse impacts on agricultural and forestal resources within the district; and, be it

RESOLVED FURTHER, That Fauquier County is authorizing the proposed action of Dominion Transmission, Inc. to acquire land and construct a gas compressor facility within the Southern Fauquier Agricultural and Forestal District; and, be it

RESOLVED FINALLY, That a copy of this resolution be sent to Dominion Transmission, Inc.

SPECIAL EXCEPTION #SPEX04-CR-012 AND #CCRV04-CR-001- LEWIS J. & MARTHA M. BENDER, OWNERS, AND DOMINION TRANSMISSION, INC., CONTRACT OWNER AND APPLICANT

A public hearing was held to consider special exception approval under Category 20, Public Utilities, which would allow for the construction of a gas compressor station. In addition,

the applicant is seeking a Comprehensive Plan Conformance Determination that the location of the proposed gas compressor station is in accordance with the Code of Virginia, Section 15.2-2232. The property is located on the northwest side of Laws Ford Road (Route 640), in Cedar Run District, further identified as PIN #7941-23-4200-000. Kimberley Johnson, Zoning Administrator, summarized the application. Phil Sparks, on behalf of the applicant, requested favorable consideration of the application. Kitty Smith, Bob Sisk, Laura Kitchem, and Mimi Moore, of Marshall District, spoke in opposition to the application. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following resolution. Mr. Stribling seconded, and the vote for the motion was 3 to 2 as follows:

Ayes: *Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Chester W. Stribling*
Nays: *Mr. Harry F. Atherton; Mr. Richard W. Robison*
Absent During Vote: *None*
Abstention: *None*

RESOLUTION

A RESOLUTION TO APPROVE A COMPREHENSIVE PLAN CONFORMANCE DETERMINATION IN ACCORDANCE WITH THE CODE OF VIRGINIA, SECTION 15.2-2232, AND A CATEGORY 20 SPECIAL EXCEPTION TO ALLOW THE CONSTRUCTION OF A GAS COMPRESSOR STATION

WHEREAS, Lewis J. and Martha M. Bender, owners, and Dominion Transmission, Inc., applicant, have filed an application for a Comprehensive Plan conformance determination and for Special Exception approval under Category 20 of the Fauquier County Zoning Ordinance to construct a gas compressor station; and

WHEREAS, the Code of Virginia, Section 15.2-2232, requires determination by the Board of Supervisors that this proposal is in substantial accord with the Comprehensive Plan; and

WHEREAS, the Special Exception of Lewis J. and Martha M. Bender, owners, and Dominion Transmission, Inc., applicant, has been properly filed and all required notices of the public hearings have been properly made, and the applicant has presented evidence both oral and documentary, and the staff has filed a staff report, all indicating compliance with the general standards for Special Exception as set forth in Article 5 of the Fauquier County Zoning Ordinance and the Board further finds that the more restrictive standards of Article 5-2002 for all Category Type 20 uses of said Zoning Ordinance are met in this application; and

WHEREAS, on February 20, 2004, the Fauquier County Planning Commission held a public hearing on this Comprehensive Plan determination and Special Exception request and recommended denial; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of March 2004, That the proposed public utility is in conformance with the Fauquier County Comprehensive Plan in accord with the Code of Virginia, Section 15.2-2232; and, be it

RESOLVED FURTHER, That Special Exception SPEX04-CR-012, of Lewis J. and Martha M. Bender, owners, and Dominion Transmission, Inc., applicant, be, and is hereby, approved subject to the following conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s), and/or uses indicated on the Special Exception Plat approved with the application, as qualified by these development conditions.
3. A Major Site Plan shall be required.
4. All applicable Federal and State permit approvals shall be required prior to site plan approval.
5. In accord with Section 5-2002.2. of the Zoning Ordinance no land or building shall be used for storage of materials other than those associated with this use.
6. All culverts shall be sized for the ten (10) year storm with twelve inches (12") of freeboard, but shall be no less than fifteen inches (15") in diameter.
7. Verification from Dominion Virginia Power that the proposed construction will be allowed in their right-of-way shall be required prior to Final Site Plan approval.
8. Lighting and noise levels shall meet applicable County performance standards and requirements contained in Article 9 of the Zoning Ordinance.
9. The entrance shall be paved for at least twenty-five (25) feet into the property and be thirty (30) feet wide.
10. A VDOT entrance permit shall be required prior to issuance of Zoning/Building Permits.
11. The entire facility, including the Measuring and Regulating Facility, shall be completely fenced and screened with a mix of evergreen trees and shrubs (recommend that the plant choices include deer tolerant plants). This fencing and screening shall remain in place and be maintained by the applicant.
12. The area of disturbance shall be limited to approximately 4.5 acres.
13. The remainder of the property, approximately 26.13 acres (of the 30.63 acres boundary line adjusted), shall be made available to the Benders or others for farming as long as the parcel remains in the Southern Fauquier Agricultural and Forestal District.
14. The applicant shall have one (1) year from the approval of the Final Site Plan to commence construction of the use.
15. The applicant shall secure all required permits from the Virginia Department of Environmental Quality (DEQ), including an air emissions permit that specifies that Nitrogen Oxide (NOx) emissions shall not exceed twenty-four (24) tons per year. In the

event the applicant changes operating conditions or expands the facility such that it must secure an amendment to the DEQ's air emissions permit, applicant will notify the Planning Commission of any such application, and will likewise apply to amend this special exception. However, if modifications to applicant's operations or facilities are necessary in order to comply with more stringent NOx emissions under state or federal statutes, rules or regulations, then no amendment to the special exception shall be required.

16. The applicant shall contemporaneously provide to the Planning Commission any reports or analysis of NOx emissions required to be provided by applicant to the Virginia DEQ or the United States Environmental Protection Agency.
17. After submission of the site plan and the standard review thereof by the staff, and before or at the time of the issuance of the building permit, the applicant shall provide to the County a check payable to the County of Fauquier in the amount of \$100,000.00 for the purchase of development rights to offset the increase in the emissions of nitrogen oxide (NOx) as a result of the construction and operation of the gas compression station.

SPECIAL EXCEPTION #SPEX04-LE-007 AND SPEX04-LE-008 – PATRICK J. & DEBORAH MASON, OWNERS/APPLICANTS

A public hearing was held to consider an application to obtain special exception approval under Category 26, which would allow for a decrease in the non-common open space requirement, and Category 29, which would allow for a waiver of the public street requirement in a residential zone. The property is located on the west side of Marsh Road (Route 17), in Lee District, further identified as PIN #7815-73-3973-000. Elizabeth Cook, of the Department of Community Development, summarized the application. No one spoke. The public hearing was closed. Mr. Stribling moved to adopt the following resolution. Mr. Graham seconded, and the vote for the motion was 3 to 2 as follows:

<i>Ayes:</i>	<i>Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>Mr. Harry F. Atherton; Mr. William G. Downey</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION

A RESOLUTION TO APPROVE SPEX04-LE-007 AND SPEX04-LE-008: A CATEGORY 26 SPECIAL EXCEPTION FOR A REDUCTION IN NON-COMMON OPEN SPACE AND A CATEGORY 29 SPECIAL EXCEPTION WHICH WOULD ALLOW FOR A WAIVER OF THE PUBLIC STREET REQUIREMENT IN A RESIDENTIAL ZONE

WHEREAS, Patrick and Deborah Mason, owners of the property identified by PIN 7815-73-3973-000, and applicants, have requested a Category 26 Special Exception to reduce the required non-common open space in a Rural Agricultural (RA) zone pursuant to Articles 3-326, 5-2600 and 5-2601 of the Zoning Ordinance; and

WHEREAS, the property owners have requested a Category 29 Special Exception to allow a waiver of the public street requirement in a residential zone; and

WHEREAS, the requested Special Exceptions are preparatory to a single division of this property; and

WHEREAS, the property owners agree to no further division of either parcel created by the proposed single division; and

WHEREAS, on January 29, 2004, the Fauquier County Planning Commission held a public hearing and considered testimony; and

WHEREAS, on January 29, 2004, the Planning Commission voted unanimously to forward Special Exceptions SPEX04-LE-007 and SPEX04-LE-008 to the Board of Supervisors with a recommendation of conditional approval; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of March 2004, That Special Exceptions SPEX04-LE-007 and SPEX04-LE-008, Patrick and Deborah Mason, owners and applicants, be, and are hereby, approved, subject to the following conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s), and/or uses indicated on the Special Exception Plat approved with the application, as qualified by these development conditions.
3. A deed of non-common open space shall be recorded on the 173.60 acre residue parcel with Final Subdivision approval of the new lot.
4. Once the new Lot has been subdivided and recorded, no further subdivision shall be permitted on PIN# 7815-73-3973-000 or any lots created from PIN# 7815-73-3973-000.
5. Prior to Final Plat approval, a fifty (50) foot wide tree/landscape buffer shall be located along the boundaries of PINs #7815-72-9404-000 and #7815-82-2359-000. This buffer shall be placed within an easement.
6. The final engineering for the floodplain crossing shall be determined during the Final Construction Plan process.
7. All entrances shall be designed in accordance with the Virginia Department of Transportation standards.
8. The applicant shall demonstrate, prior to Preliminary Plat approval, that the proposed use will not cause an increase in the level of flooding or velocity of floodwaters.
9. The applicant shall demonstrate, prior to Preliminary Plat approval, that the proposed use will not create a potential hazard of debris subject to movement by floodwaters, which might cause damage downstream.
10. All existing structures on the property shall be shown on the Preliminary Plat.

11. The fifty (50) foot ingress/egress easement shall be located in such a manner that it does not create non-conforming buildings on the Preliminary Plat.
12. The plat shall indicate the right-of-way width of Route 17 and indicate the distance from the centerline or edge of pavement to the property line. The distance to the nearest intersection shall be shown.
13. Prior to Final Plat approval the applicant shall design and construct or bond for construction a standard two-way commercial entrance with a paved surface.
14. Prior to Final Plat approval, the applicant shall design and construct or bond for construction a deceleration lane along State Route 17. The lane shall have a length of two hundred (200) feet and a taper of one hundred and fifty (150) feet.
15. The private street shall be at least sixteen (16) feet wide with a minimum of four (4) feet shoulders.
16. All work and requirements associated with this Special Exception shall be completed within two (2) years of Final Plat approval, or the Special Exception becomes null and void.
17. Homeowner's association documents demonstrating that adequate provisions have been made to provide for the continuous maintenance and repair of the private street shall be required prior to Final Plat approval.

SPECIAL EXCEPTION #SPEX04-SC-013 – JOHN T. & RUTH W. HOPKINS, TRUSTEES, OWNERS/APPLICANTS – HOPKINS SUBDIVISION

A public hearing was held to consider an application to obtain special exception approval under Category 29, which would allow for a waiver of the public street requirement in a residential zone. The property is located in the New Baltimore Service District on the south side of Broad Run Church Road (Route 600), in Scott District, further identified as PIN #7906-61-6519-000. Elizabeth Cook, of Community Development, summarized the application. Adam Nowacin, of Frederick Ward Associates, represented the applicant and requested favorable consideration of the application. No one else spoke. The public hearing was closed. Mr. Downey moved to adopt the following resolution. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION

A RESOLUTION TO APPROVE A CATEGORY 29 SPECIAL EXCEPTION
SPEX04-SC-013 TO WAIVE THE PUBLIC STREET REQUIREMENT IN A RESIDENTIAL
ZONE AND TO APPROVE THE COMPANION PRELIMINARY PLAT PPLT04-SC-005

WHEREAS, John T. and Ruth W. Hopkins, owners of the property identified by PIN 7906-61-6519-000, and applicants, have requested a Category 29 Special Exception to allow a waiver of the public street requirement in a residential zone; and

WHEREAS, the requested Special Exception is preparatory to a single division of this property; and

WHEREAS, on January 29, 2004, the Fauquier County Planning Commission held a public hearing and considered oral and written testimony; and

WHEREAS, on February 19, 2004, the Planning Commission voted unanimously to forward Special Exception SPEX04-SC-013 to the Board of Supervisors with a recommendation of conditioned approval; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of March 2004, That Special Exception SPEX04-SC-013, John T and Ruth W. Hopkins, owners and applicants, be, and is hereby, approved, subject to the following conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s), and/or uses indicated on the Special Exception Plat approved with the application, as qualified by these development conditions.
3. The entrance shall be designed in accordance with the Virginia Department of Transportation standards.
4. Only three (3) properties, the two (2) created by the Preliminary Plat and PIN 7906-62-5077-000, shall use Bainbridge Lane for ingress/egress.
5. Homeowner's Association documents demonstrating that adequate provisions have been made to provide for the continuous maintenance and repair of the private street shall be required prior to Final Plat approval.
6. All work and requirements associated with this Special Exception shall be completed within two (2) years of Final Plat approval, or the Special Exception becomes null and void.
7. No other subdivision of PIN 7906-61-6519-000 is allowed. Only the two (2) lots created by the companion Preliminary Plat are permitted. If the subject parcel is subdivided beyond the two (2) allowable lots, Bainbridge Lane (Private Street) shall have to become a Virginia Department of Transportation (VDOT) public street. The applicant shall be responsible for all improvements deemed necessary by VDOT; and, be it

RESOLVED FURTHER, That the Board of Supervisors does hereby confirm the Fauquier County Planning Commission's approval of the Hopkins Preliminary Plat PPLT04-SC-005.

COMPREHENSIVE PLAN AMENDMENTS #CPA03-S-09 AND REZONING AND #RZ03-S-17 – GAINES TRUST, W. ROBERT GAINES TRUSTEE, OWNER, AND ANGLER DEVELOPMENT LLC, APPLICANT – BISHOP'S RUN

A public hearing was held to consider a request for a Comprehensive Plan Amendment to change the land use designations from Low Density Residential, Commercial Neighborhood and Mixed Use Neighborhood Up to Three (3) Dwellings Per Acre to a new land use designation of Low Density Residential Up to Three (3) Dwellings Per Acre (single family attached permitted). The applicant also wishes to rezone approximately 53.75 acres from Residential-1 (R-1) and Commercial Neighborhood (C-1) to Residential-4 (R-4) Conventional and Cluster for the purpose of developing one hundred and twenty-three (123) residential units with approximately forty-six (46) single family lots and approximately seventy-seven (77) single family attached units, and to rezone 9.14 acres from Commercial Neighborhood (C-1) to Commercial Neighborhood (C-1) with proffers permitting 55,000 square feet of commercial/retail/office space, including a day care facility and approximately twenty (20) second story apartments. The property is located on the east and west sides of Riley Road (Route 676) north of Broad Run Church Road (Route 600), in Scott District, further identified as PIN #7916-22-4949-000 and PIN #7916-12-8941-000. Elizabeth Cook, of the Department of Community Development, summarized the application. John Foote, Esquire, spoke on behalf of the applicant and requested favorable consideration of the application. Judy Lamana, Marshall District, Robert Dunleavy, Scott District, Peter Schmidt, Scott District, Don Chancellor, Scott District, and Kitty Smith, Marshall District, spoke in opposition to the application. Miriam Morrison, Center District, J.L. Combemale, Scott District, and Mike Miller, spoke in favor of the application. No one else spoke. Mr. Downey moved to continue the public hearing and table a decision on the matter until the next regular Board of Supervisors' meeting on April 19, 2004. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

With no further business, the meeting was adjourned to reconvene on March 18, 2004.

I hereby certify that this is a true and exact record of actions taken by the Fauquier County Board of Supervisors on March 15, 2004.

G. Robert Lee
Clerk to the Board of Supervisors